

**CITY OF FRANKFORT
CODE ENFORCEMENT BOARD MEETING
JANUARY 30, 2007
MINUTES**

Members Present:

Members Absent:

Mr. David Garnett
Mrs. Rona Stapleton
Ms. Vicki Pettus
Ms. Natalie Wilkerson
Mr. Mark Fields

There being a quorum, Mr. Mark Fields called the January 30, 2007 Code Enforcement Board meeting to order.

The next item of business was approval of the Minutes of the meeting of November 30, 2006. Mr. Garnett requested in order to clarify the appeals motion, the violations found should be included to establish the findings and fine. Mr. Garnett moved in cases 1, 2, 4, 5, 7, 8, & 9 to amend the minutes to reflect there were violations in these cases and to accept the minutes as amended. Ms. Pettus seconded the motion. The motion passed unanimously 5-0.

DEFAULT CASES:

- | | |
|----------|--|
| Case # 1 | 147 Hickory Drive
Owner: Anna Rose
Violation found was the PMC Section: 302.10.1 Junk Vehicles.
Fine: \$200.00 and correct within thirty (30) days of the final order.
Mr. Garnett made the motion and Ms. Wilkerson seconded the motion.
The motion passed unanimously 5-0. |
| Case # 2 | 434 Tatato Trail
Owner: Floyd Bryant
Violation found was the PMC Sections: 304.6 Exterior Walls.
Fine: \$200.00 and correct within thirty (30) days of the final order.
Mr. Garnett made the motion and Ms. Wilkerson seconded the motion.
The motion passed unanimously 5-0. |

- Case # 4 702 Kentucky Avenue (Second Offense)
Owners: Timothy & Renee Miller
Violations found were PMC Sections: 306.1 Accumulation of Rubbish or Garbage; 302.10 Motor Vehicles; 302.10.1 Junk Vehicles; 302.8 Storage of household appliances or non-outdoor furniture.
Fine: \$500.00 and correct within thirty (30) days of the final order.
Mr. Garnett made the motion and Ms. Wilkerson seconded the motion.
The motion passed unanimously 5-0.
- Case # 5 311 West Third Street (Third Offense)
Owner: Annette Shuntich
Violations found were PMC Sections: 301.3 Vacant Structures and Land; 304.2 Exterior Painting; 304.14 Window, Skylight, and Door Frames; 304.14.1 Glazing; 302.8 Storage of household appliances or non-outdoor furniture; 304.11 Stairways, Decks; Porches, and Balconies; 304.8 Decorative Features; 304.7 Roofs and Drainage.
Fine: \$1000.00 and correct within thirty (30) days of the final order.
Mr. Garnett made the motion and Ms. Wilkerson seconded the motion.
The motion passed unanimously 5-0.
- Case # 6 121 Allnutt Drive
Owners: Amy & Carl McRoberts
Violations found were PMC Sections: 302.10 Motor Vehicles; 302.10.1 Junk Vehicles; 306.1 Accumulation of Rubbish or Garbage.
Fine: \$200.00 and correct within thirty (30) days of the final order.
Mr. Garnett made the motion and Ms. Wilkerson seconded the motion.
The motion passed unanimously 5-0.
- Case # 8 254 McKenzie Avenue
Owner: Luella Cheak
Violations found were PMC Sections: 302.10 Motor Vehicles; 302.10.1 Junk Vehicles.
Fine: \$200.00 and correct within thirty (30) days of the final order.
Mr. Garnett made the motion and Ms. Wilkerson seconded the motion.
The motion passed unanimously 5-0.

APPEALS:

The following list of names is the persons giving testimony at this meeting and sworn in by Mrs. Edith Noe, the Code Enforcement Board Secretary for the City of Frankfort:

Robert Engle, Code Enforcement Supervisor
Jo A. Morgan, Code Enforcement Inspector
John Noe, Code Enforcement Inspector

Margaret Puckett, new property owner of 937 Fifth Ave.
John Gray, property owner of 334 Saint Clair Street
David Mcatee, (brother in law) of Fred O'Bannon, owner of 219 Wallace Ave.
Craig Vaughn, property owner of 608 Taylor Ave.
Micheal Nickles, property owner of 114 West Second Street
Stephen Kent, property owner of 216 Pinewood Dr.
Pam Courtney, POA for Mildred Courtney, property owner of 314 Noel Ave.

Case # 1 937 Fifth Avenue
Owner: Everhome Mortgage Co. **New Owner: Margaret Puckett**
PMC Section: 304.7 Roofs and Drainage; 304.8 Decorative Features.
Table for ninety (90) days until April 24, 2007.
Mrs. Stapleton made the motion and Ms. Wilkerson seconded the motion.
The motion passed unanimously 5-0.

Ms. Margaret Puckett bought this property from Everhome Mortgage Co. Ms. Puckett was not notified of the violations/citation that was against this property. Ms. Puckett is renovating the structure and making repairs.

Case # 2 610 Hoge Avenue
Owner: James E. Calhoun, Jr. **New Owners: Betty & Harold Hensley**
PMC Section: 304.7 Roofs and Drainage; 304.8 Decorative Features.
The citation issued against this property was dismissed.
Mr. Garnett made the motion and Ms. Wilkerson seconded the motion. The motion passed 5-0.

Ms. Morgan gave testimony for the city. Ms. Morgan stated the property has new owners and the violations have been corrected. Mr. Logan moved to enter the documents, citation, and photos as evidence in lieu of additional testimony.

Ms. Wilkerson and Mrs. Stapleton recused themselves from case # 3.

Case # 3 334 Saint Clair Street
Owner: Saint Clair Properties
PMC Section: 302.10 .1 Junk Vehicles.
Evidence establishes on the date of the citation, there was a violation of PMC Section: 302.10.1 having to do with a junk vehicle and a fine in the amount of \$500.00 imposed, however the fine be probated upon the condition there be no further violations of similar nature.
Mr. Garnett made the motion and Ms. Pettus seconded the motion. The motion passed 3-0.

Mr. Noe gave testimony for the city stating there was no license plate on the vehicle at his last visit to the property, which resulted in a citation being issued. Mr. Noe told the Board that the tenant had contacted him to let him know the vehicle had been removed and the property was now in in-compliance. Mr. Logan moved to enter the packet documents, citation, and photos as evidence in lieu of additional testimony.

Mr. Gray testified the vehicle had been removed and requested this case be dismissed.

Case # 4

219 Wallace Avenue

Owner: Fred O'Bannon

PMC Section: 302.10.1 Junk Vehicles; 302.8 Storage of household appliances or non-outdoor furniture.

Evidence establishes on the date of the citation, there were violations of the Property Maintenance Code and a fine in the amount of \$200.00 imposed, however the fine be probated upon the condition there be no further violations for a period of one year.

Ms. Wilkerson made the motion and Mrs. Stapleton seconded the motion. The motion passed 5-0.

Mr. Noe gave testimony for the city stating at the time the citation was issued; the RV did not display a current license plate. Mr. Noe did state the refrigerator had been removed. Mr. Logan moved to enter the packet documents, citation, and photos as evidence in lieu of additional testimony.

Mr. David Mcatee brought the current license plate before the Board to show proof of compliance.

Case # 5

608 Taylor Avenue

Owner: Craig Vaughn

PMC Section: 304.6 Exterior Walls.

Evidence establishes on the date of the citation, there was a violation of the Property Maintenance Code Section: 304.6 Exterior Walls and a fine in the amount of \$200.00 imposed and to correct within thirty (30) days. Failure to pay the fine will result in a lien being filed and failure to correct the violation will result in a second citation being issued.

Ms. Pettus made the motion and Mr. Garnett seconded the motion. The motion passed 4-1 with Ms. Wilkerson voting against.

Ms. Morgan gave testimony for the city, stating during her last site visit the violation continue to exist, which resulted in a citation being issued.

Mr. Vaughn testified he had been working on the house but had run out of money. Mr. Vaughn stated he does not accept charity but wants to repair the house. Mr. Vaughn said he would also like to replace the windows as well as putting on new siding.

Case # 6

914 Holmes Street

Owner: Zelbert & Virgie Cummins

New Owner: Harold Moore

PMC Section: 304.7 Roofs and Drainage; 306.1 Accumulation of Rubbish or Garbage; 302.8 Storage of household appliances or non-outdoor furniture; 304.14 Window, Skylight, and Door Frames. The new owner has completed all the repairs/corrections of the violations and staff recommends dismissal. ***The Board moves to dismiss this case.***

Ms. Pettus made the motion and Mrs. Stapleton seconded the motion. The motion passed 5-0.

Case # 7

114 West Second Street

Owner: Michael Nickles

PMC Section: 302.10.1 Junk Vehicles

Evidence establishes on the date of the citation, there was a violation of PMC Section: 302.10.1 having to do with a junk vehicle and a fine in the amount of \$200.00 imposed, however the violation has been corrected and the fine be probated upon the condition there be no further violations within a one year period.

Ms. Wilkerson made the motion and Mrs. Stapleton seconded the motion. The motion passed 4-1 with Mr. Garnett voting against.

Mr. Noe gave testimony for the city stating at the time the citation was issued; there was a flat tire on the mustang. Mr. Noe further stated the tire has been fixed and is now in-compliance. Mr. Logan moved to enter the packet documents, citation, and photos as evidence in lieu of additional testimony.

Mr. Nickles stated he owns the property and the vehicle. Mr. Nickles further stated he tighten the valve stem and inflated the tire and hopes it won't go flat again.

Case # 8

216 Pinewood Drive

Owner: Stephen & Michelle Kent

PMC Section: 105.3 Certificate of Occupancy Required.

Evidence establishes on the date of the citation, there was a violation of the Property Maintenance Code and a fine in the amount of \$100.00 imposed, however the fine be probated upon the condition there be no similar offenses.

Mr. Garnett made the motion and Ms. Pettus seconded the motion. The motion passed 5-0.

Mr. Engle testified there was a "For Rent" sign in the front yard and he posted a rental notice on the front door (of the empty unit) with his name and phone number. At the time of the re-inspection Mr. Engle noticed the unit had been rented without the required inspection. Mr. Engle stated Mr. Kent requested a rental inspection on January 10, 2007; the inspection was performed and approved for occupancy. Mr. Logan moved to enter the packet documents, citation, and photos as evidence in lieu of additional testimony.

Mr. Kent stated he thought the fine was a little steep for a first time violation and he asked for the case to be dismissed.

Case # 9
&
Case # 10

314 Noel Avenue

Owner: Mildred Courtney

PMC Sections: 302.10 Motor Vehicles; 302.10.1 Junk Vehicles; 306.1 Accumulation of Rubbish or garbage; 302.9 Storage of Trailers.

Tabled this matter for thirty (30) days until the February regular meeting.

Mr. Garnett made the motion and Ms. Pettus seconded the motion. The motion passed 5-0.

Mr. Noe testified the box truck and trailer in the yard remain in violation. The pick-up truck had been moved. Mr. Logan moved to enter the packet documents, citation, and photos as evidence in lieu of additional testimony. Ms. Pam Courtney POA for Mildred Courtney testified she was trying to take care of the property for her grandmother. Ms. Courtney further stated the tenant is not being cooperative. The tenant has been sent a notice to move within thirty (30) days or be evicted; the house is being put up for sale. The white box truck is the only violation that remains.

Mrs. Stapleton recused herself from case # 11

Case # 11

109-113 West Third Street

Owners: Michael & Martha Templeman

Violations found were PMC Sections: 304.7 Roofs and Drainage; 304.2 Exterior Painting

Fine: \$200.00 and correct within thirty (30) days of the final order.

Ms. Wilkerson made the motion and Mr. Garnett seconded the motion.

The motion passed unanimously 4-0.

Michael & Martha Templeman did not show up at this appeal.

Under Old Business:

None

Under New Business:

1. Citizen's Comments --None
2. Robbie Engle informed the Board of the procedures the inspectors will be following with their cases. The burden of proof of compliance will be placed upon the violator(s). The annual statistics will be available to the Board members at the next meeting.

The next meeting is scheduled for February 27, 2007 at 5:00 p.m.

With there being no further business, the January 30, 2007 Code Enforcement Board was adjourned.

ATTESTED: SECRETARY

CHAIRMAN